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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JESUS IRIBE,
15 Defendant.

CASE NO. 2:22-CR-00164-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL
ACT; ORDER

DATE: November 2, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and
19 defendant, by and through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on November 2, 2023.

21 2. By this stipulation, defendant now moves to continue the status conference
22 until December 14, 2023, at 9:00 a.m., and to exclude time between November 2, 2023, and
23 December 14, 2023, under Local Code T4.

24 3. The parties agree and stipulate, and request that the Court find the
25 following:

26 a) On September 28, 2023, the United States conveyed a written plea
27 agreement to defense counsel. On October 23, 2023, the parties met and conferred
28 regarding the plea agreement. Counsel for the defendant relayed that he has not

1 had sufficient time to review all of the terms of the plea agreement and respond to
 2 questions from the defendant. Accordingly, counsel for the defendant is requesting
 3 a continuance to allow him additional time to meet with the defendant and
 4 determine whether the defendant wants to accept the plea agreement or set the
 5 matter for trial. The parties anticipate presenting a plea agreement or setting the
 6 matter for trial at the December 14, 2023 status hearing.

7 b) Counsel for defendant believes that failure to grant the above-
 8 requested continuance would deny him the reasonable time necessary for effective
 9 preparation, taking into account the exercise of due diligence.

10 c) The government does not object to the continuance.

11 d) Based on the above-stated findings, the ends of justice served by
 12 continuing the case as requested outweigh the interest of the public and the
 13 defendant in a trial within the original date prescribed by the Speedy Trial Act.

14 e) For the purpose of computing time under the Speedy Trial Act, 18
 15 U.S.C. § 3161, et seq., within which trial must commence, the time period of
 16 November 2, 2023 to December 14, 2023, inclusive, is deemed excludable pursuant
 17 to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a
 18 continuance granted by the Court at defendant's request on the basis of the Court's
 19 finding that the ends of justice served by taking such action outweigh the best
 20 interest of the public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other
2 provisions of the Speedy Trial Act dictate that additional time periods are excludable from
3 the period within which a trial must commence.

4 IT IS SO STIPULATED.

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6 Dated: October 24, 2023

PHILLIP A. TALBERT
United States Attorney

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9 /s/ JUSTIN L. LEE
JUSTIN L. LEE
Assistant United States Attorney

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11 Dated: October 24, 2023

/s/ TIM F. TUITAVUKI
TIM F. TUITAVUKI
Counsel for Defendant
JESUS IRIBE

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16 **ORDER**

17 IT IS SO ORDERED this 24th day of October, 2023.

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19 /s/ Daniel J. Calabretta
20 THE HONORABLE DANIEL J. CALABRETTA
21 UNITED STATES DISTRICT JUDGE
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